Q. D. B. V.

DE

CRIMINE MAJESTATIS VINDICANDO,

Quam

Conſenſu Magnifici JCtorum Wittenb. Ordinis,

PRÆSIDE

VIRO Nobiliſſimo, Excellentiſſimo ac Conſultiſſimo

DN. GODOFREDO STRAUSSIO,

Phil. & J.U.D. ejusdemq; Prof. Publ. Extraord. Inclytæ Facultatis Juridicæ Aſſeſſore, Curiæ Elect. & Conſiſt. Eccleſ. Advocato Ordinario.

Patrono ætatem devenerando

Disputabit Auctor

AUGUSTUS FRIDER. à KOTTERITZ,

Eqves Miſn.

In Auditorio JCtorum

Die [illegible] Junii M DC LXXIV

WITTEBERGÆ,

Excudebat JOHANNES WILCKIUS

VVILHELMUS LEISERUS, J.U.D.
& in Academia VVittenbergenſi P.P.
GENEROSO AC NOBILISSIMO
DN. AUGUSTO FRIDERICO
à KOTTERITZ,
S. P. D.

DE crimine læſæ Majeſtatis, articulo juris noſtri difficili & ſublimi, dum Diſputas Generoſe à Kotteritz, meritò tibi ſchola noſtra gratulatur: ſed magis Parenti Optimo & de egregio publico bene-merentisſimo: cui raro exemplo contigit, ut omnem ſuam progeniem maſculam, tres inqvam ingenio & morum elegantiâ præſtantisſimos Juvenes tenerâ & non

dum

dum ſatis robuſtâ ætate ad ſumma in ſtudiis eniti videat. Macte itaq; virtute illâ veſtrá eſtote, Nobilisſimi à KÖTTERITZ: ſic enim fiet, ut nunqvàm in eos conveniat illud Q. Mucii Scævolæ, Romanorum Nobilisſimi & Pontificis Maximi dictum: Turpe eſſe patricio & nobili, jus, in qvo verſaretur, ignorare. B. V.

Dab. ex ſeceſſu ſtudiorum
Idib. Jun. Anno Chriſt. M DC LXXIV.

Gene-

Generoſe perqvam & Nobilisſime Juvenis,

Fautor & Amice honorande plurimum.

ITa eſt, non veram ſola virtutem Nobilitas abſolvit. Inchoat qvidem & ſpeciem ejus adornat ipſa, ſed Spiritum, ſed efficaciam ac Corpus qvaſi induſtria, labor ac uſus tribuunt adfirmantq;. Nam & precioſisſimæ gemmæ ſedula artificis manu indigent: Et niſi figuretur ac fingatur affabrè aurea maſſa præter ſplendorem qvid impetrabit? Nihil eqvidem magni naſcitur ſtatim, ſed fit & in faſtigium ac ſummum verticem per declivia laterum adſcendendum eſt. Hæc dum tecum probè expendiſti, mi Generoſe perqvam Juvenis, nobiliter ad virtutis faſtigium contendiſti, monſtraturus jam omnibus, qvòd præſtiteris hactenus in Virtutis palæſtrâ. Profers in publicum exqviſitum ſpecimen, nec minori eruditionis copia accedis cathedram. Sed illa tamen qvantacunq; vincunt ac ſuperant vita tranqvilla & inuſitatæ plane humanitatis atque modeſtiæ ſtudium qvod ſicut cum Fratribus Nobilisſimis commune habes:

bes: Ita eodem excellitis qvam plurimos. Ut hinc Illuſtrem Parentem Veſtrum feliciſſimum non ſemel mecum cogitando prædicaverim de filiis tantæ ſpei, tantæq; Virtutis. Nec igitur fruſtra ominari licet Te, Generoſe Juvenis, ſi Strenuè pergas gradum, ad ſummum mox culmen præclarè emicaturum. Cui Conatui ut vires gratiamq; abundantiſſimam adſpiret Numen ex animo opto voveoq;, Deus Te Servet!

Datum ex meo Muſeo
Die 6. Jun. 1674.

PRÆSES.

C. B. D.

§ I.

MAjeſtas eſt ſumma poteſtas, quâ [illegible] omnium ſubditorum in [illegible] Reip. diri- [illegible] nomine ac provi- [illegible] DEI T. O. M. [illegible], ut vica- [illegible] gubernatricis inſtar fluctuantem [illegible] humani navem moderaretur & ad portum pacis ac tranqvillitatis publicæ [illegible]et. Eâ valente vaſtum Reip. [illegible] ruenti cadaveroſam & [illegible] homines ſegreges [illegible]ibus, [illegible] rectæ rationis beatam [illegible] & [illegible] in ſtatu naturali [illegible] & Reſp: conſe- [illegible] Inde nata Ma- [illegible] generis [illegible]. Quod [illegible] numero ægre calcu- [illegible] noſtro [illegible] humanam beſtiam, tot [illegible] molire & flectere [illegible] In ordi- [illegible] & [illegible] gentes neceſſe [illegible] leges [illegible] DEO cul- [illegible] hominum [illegible] Quod vel ſolum [illegible]

dit. Atq; [illegible] & atrociſſimo ſcelere [illegible] qui Majeſtatem [illegible] involare & [illegible] Reip. compagem [illegible] Complementum & [illegible] quæ adverſus [illegible] [illegible] omnem [illegible] & omnibus [illegible] [illegible] L. 1. ff. ad L. J. Majeſt. [illegible] Hobbes, Phil. Angl. [illegible] *Quæ [illegible] gravius eſt, quam ſemel.* Neq; [illegible] ſed [illegible] & [illegible] dere non [illegible] DEum, [illegible] Majeſtatem [illegible] proterve [illegible] exeogitari [illegible]

§. II.

[illegible] ergò Majeſtatem [illegible] quod ſit [illegible] quo ſit [illegible] & [illegible] imperans [illegible] vel ipſam [illegible] Reip. [illegible] publica [illegible] ejus [illegible] ſolet, [illegible] Non [illegible] [illegible] Principe [illegible] [illegible] Reip. [illegible] DEum [illegible] Majeſtatem [illegible] Eſt. Quid vero [illegible]
[illegible]

[illegible] qui obſequium omne detrectet, defectionem agitet [illegible] an biat, [illegible] regni poſſeſſorem ſolio dejicere [illegible] populum ad res novas & conſternationem publicam [illegible] vitæ Principis inſidietur, injuſſu ejus bellum gerat, [illegible] m habeat, hoſtes conciret & commeatu aliisq́ [illegible] Mox ſpecialı vocabulo perduellionis effertur [illegible] *4.* [illegible] em. [illegible] Matthæus de *Crim.* [illegible] *c. 2.* [illegible] cum non hoſtili animo per indirectum [illegible] ſubditos, jura & [illegible] honorem Principis facto [illegible] Quod [illegible] Majeſtatis ſimplex vo- [illegible] mat & ſingulares [illegible] [illegible] ſiſte [illegible] [illegible] eat, *L. un. C. de priv. Carcer.* [illegible] *mon* [illegible] no- [illegible] inſignia ac [illegible] im- [illegible] averit. *L. 6.* [illegible] Majeſtati [illegible] & [illegible] le [illegible] [illegible] Quiſquis [illegible] [illegible] Qui ergo [illegible] imagines ejus [illegible] [illegible] Zi- [illegible] *ſtatam* [illegible] *quod* [illegible] [illegible] *Principem* [illegible] *m* [illegible] [illegible] *C.* [illegible]

[illegible]

cor & animam Reip. petit [illegible] alterum, qvod in latus tantum Reip. invehitur. Utrumq; delictum [illegible] & Majeſtati [illegible].

§. VI.

Atq; ita qvidem Crimen Majeſtat [illegible] ſecundum ſimplicitatem naturalem ac civilia principia deſcribitur. Cavendum vero eximiè ne indolem ejus ad poſitivas certarum Rerumpub [illegible] imprimis vero Romanæ gentis leges qvibus latiſſimè Crimen hoc extenditur, tantu exig[illegible]s. Poteſt enim qvi ſummo imperio fruitur naturam hujus flagitii jam laxare ampliſſimè, ut autoritatem apud ferociorem populum dextrè aſſerat caputq; regat [illegible], ad ulteriora ipſoiq; ſanctiores miniſtros protrahere: vel coarctare & bonam partem multum relinqvere prout è re communi fore arbitratur. Nam non tam naturam ejus migrat, qvam effectum pænæ graviorem vel molliorem delicto alicui circumfundit. Accurate id exponit Thom. Hobbes de Cive [illegible] § 20. *Poteſt autem eſſe ut aliqvid qvod factum ante legem Civilem latam non erat Crimen Majeſtatis, fit tamen ſi fiat poſt. Ut ſi lege declaretur pro ſigno [illegible] rerum [illegible], habe[illegible] pro Crimine Læſ. Maj: habendum hoc [illegible] vulgare Crimen eſſe Legis qvi poſtea id fecerit, reus Majeſtat non minus eſt, qvam [illegible].* Solent enim Principes exigente Reip. neceſſitate haud rarò ſolennem [illegible] modum egredi, graviores q; pænas & fortiora remedia objicere, ne latius ſerpat qvod jam undiq; radices egiſſe putatur malum. Magnif. Dn. Ziegler c. l. §. 52 Qvo [illegible] refero qvod non n[illegible] capita co[illegible] ſacroſancta fecerint adeò, & ab omni [illegible] munivere [illegible] temeratores [illegible] Criminis læſæ Majeſtatur rei [illegible]tarentur. [illegible] Rex G[illegible] [illegible]chatur qviſqvis [illegible] violenter qvicqvam in Mazar[illegible] conſulere [illegible] eus Maj. agerent. [illegible] de [illegible] VII. [illegible] Rege, qui hoc munimento Cancellarium Regni [illegible] legimus. Nam hac [illegible] tutiores [illegible] Conſiliarios, qvorum prudentia eminent[illegible] [illegible]. Juſtinianus, Arcadius & Honorius [illegible] Conſtitutionis in L. 5. pr. C. ad L. J. Maj. [illegible] fulgo[illegible] [illegible] *impr[illegible]* [illegible] [illegible]

mani-

[illegible] m fuerit , perinde deinceps accipiatur , ac ſi hoſtili [illegible] Principem ac Remp: animo id admiſſum ſit, licet ta[illegible] am habuerint factionis autores M. Dn. Ziegler c. l. 565. [illegible] proprie Crimen Maj: non eſt. Nam lex vocando Crimen [illegible] qvod natura non ita eſt, nomen qvidem invidioſum & [illegible] pœnam in reum jure ſtatuit: ſed ut peccatum [illegible] it. Etſi prohibitionē ſuperioris ſeveriorem [illegible] ſubditorum in legem commiſſa , aſſeramus [illegible] Gothofr. ad l. Qvisqvis 5. C. Ad L. J. M. c. 15. A[illegible] perduellionis vocatur Henric. Bocerus de Cr: Læſ: Maj [illegible]

VII.

Qvæ [illegible] tamen ad neceſſitatem & ſalutem publicam a[illegible] pro libitu ad viliſſima peccata , qvæ fragilitas [illegible] difficulter poteſt , & ſocietatem humanam [illegible] Majeſtatis Crimen protrahi poteſt. Non a[illegible] Principis [illegible] ſubditorum incolumitatem imperia, q[illegible] H. Grot. *de J. B & P. L. 2. c. 20. §. 19. 20.* [illegible] lex [illegible] ap. Romanos occupatā ab Imperatoribus [illegible] torqvebatur. Nam LL. XII. TT. cautum [illegible] erat , ut qui hoſtem concitaverat , qvi ve hoſti civem tradiderat capite puniretur *L. 3. ff. ad L. J. M.* Verba concepta [illegible] habemus. *Si qvi Perduelem contitas ſit [illegible] perduelli transduit , capital eſto ,* conferatur [illegible] *Reip. Rom. Judic.* Eam auxit Lex Cornelia à Cornelio Sylla [illegible] Cicero Or. in P. S. Qvædam qvoq; adjecit [illegible] *L. [illegible] ff. ad L. J. M.* conferatur Tacitus *Ann. 1. c. 72.* Poſtea [illegible] ſub [illegible] Tiberio aliis Imperatoribus in immenſū [illegible] qvo [illegible] orari poſtulabant Tyranni, pro[illegible] Majeſtatis eſt [illegible] ex [illegible] crudelitatis. [illegible] Principis [illegible] mancipaverat , [illegible] ut [illegible] imponeret , qua ſuam [illegible] Cæſaris [illegible] Cæſare [illegible] au [illegible] admoviſſet, [illegible] Imperatoris veſtimenta mutaverat , vel exoneraret

arnerat veſicam R[illegible] Majeſtatis temeratæ erat & capite nefas l[illegible]ere miſerum [illegible] Sveton. *in Tib. §.58. Tacit. Ann. L. 1. cap. 72.73. Seneca de benef. 3. c. 26. Dio L. 57* plura qvoq; exempla [illegible] Foſtnerus ad *Tac. Ann. 1. 1. 60. & ad L. XL.* ex Amm. Marcelli con-geſſit. Terrore enim implere omnia ſtudebat, ut dominationem eò accuratius & proveherent & munirent.

VIII.

An conſcientia ſceleris qvod in imperantes vel Regem paratur, nuda voluntas & conatus ad Crimen Majeſt. [illegible] ambiguæ indaginis eſt. Putamus ante omnia diſtingvendum eſſe inter *actum intellectus* nudum, qvo ſcimus & cogitamus. Hujus in foro externo nulla habetur ratio. Cogitationum enim nudarum nemo pœnas luit *L. 18. π. de Pœn.* [illegible] *voluntatis*, qvo decernimus & probamus cogitata: *& conatum*, qvi eſt actus externus ad executionem voluntatis tendens. Bachov. ad *Treut. V. 2. D. 23. th.* [illegible] conferantur [illegible] Dn. Zigler ad Grot. [illegible] §. [illegible] D. Wilhelmus [illegible] ad A B. *c. 24* qvi [illegible] hic conſtituit. E[illegible] qvi omnis [illegible] pravus hominis, qvi pacem & tranqvillitatem Reip. [illegible] facile & vehementer [illegible] re [illegible] pœnæ [illegible]. In [illegible] enim [illegible] eſt. Qvare qvod [illegible] manæ qvidem [illegible] oblig[illegible] Majeſtas valeat. cum in [illegible] ſint, & in judicio [illegible] pravi & puniendi [illegible] Grotius c. l. §. 18 ſeq. At vero cum conſcientia inſidiarum qvæ ſtruuntur, non in nuda cogitatione ſi[illegible] deſerendo [illegible] qvæ [illegible] impediri poterat, [illegible] qvæ morali ſenſu factum [illegible] [illegible], qvo Majeſtas læditur & humana ſocietas [illegible]. Crimen Majeſtatis [illegible] Leges naturales conſtituis Re[illegible] & Rep. amoliri pro-[illegible] patentem [illegible]. Qvod [illegible] qvia ejus ca[illegible] m [illegible]. Ut [illegible] morem

Et

[illegible] adeſſe aliqvid intelligatur, ex qvo [illegible] Dn. Puffendorff de J. N. & G. L. 1. [illegible] per actum alterius qvaſi ſe exerat & ad [illegible] poſſe non eſt dubium. [illegible] Neqve enim inſolens [illegible] delictorum, qvi indicio ſub [illegible] vertere, inprimis ſi gra- [illegible] *ad Leg. Pompej. de parricid L. 9. §. 1.* [illegible] *arg. L.* [illegible] *de R. J.* Adeo ut, etſi dubitet [illegible] tamen denunciare. Nam *L. 3.* [illegible] Deinde ut ſecundum pun- [illegible] qvidem naturam moralem actio- [illegible] eſt immanens ſit, revera a LL. ſuperio- [illegible] contaminari poteſt. Qvod ubi co- [illegible] in judicio humano, præſertum [illegible] fuerit, imputari & coërceri [illegible] interni non abſolute imperium [illegible] nequeunt, [illegible] turbant. Ubi ea ratio ceſſat, [illegible] humano capiunt. Et [illegible] hue D. [illegible] poteſt; qvod in maleficiis voluntas [illegible] *L. 14.* [illegible] *ad Leg. Cornel. de ſicar*, & Papi [illegible] interpretanda ve- [illegible] Qvod reperit Imperator *in L. 1. & 6. C. ad L.* [illegible] punienda eſſe qvâ effe- [illegible] accuratius ad conatum [illegible] ac volun- [illegible] intelligunt, qvæ jam ad facinus [illegible] d. *c. 2.* [illegible] *Cr. L. M.* [illegible] *3. § 4.* [illegible] ergò conatus [illegible] venenum paraverit, etſi nun- [illegible] dixe- [illegible] vel interno [illegible] Maje- [illegible] graviter & [illegible] [illegible]

 a[illegible]d

aliud conſummatum. Idem ſibi volunt *L. 5 pr. L. 6 C b. t. L. 3. inf. ff ad Leg. J. M Bachov, ad Tr. V. 2. D. 32.* [illegible] *Mynſing.* 3. *O.* 9.

§. IX

Spectato Ingenio ſceleris [illegible], proximum eſt, ut, adverſus qvos patretur, diſpiciamus. [illegible] univerſum, qvisqvis Majeſtatis auguſto [illegible] fulget, in eum committi crimen L. M. poſſe, pronunciamus. [illegible] tum in Monarchas & Principes, ſed & Optimates & Populum in Polyarchicis Rebuſp. experitur. Qvemadmodum Majeſtate omnis Reip. pollet, ita & eadem in omnibus a ſubditis ejus offendi poteſt. An in Reginas cadat, qværiveris. Naturali qvidem ratione [illegible] omnia inter conjuges communia ſint [illegible] bona corporis [illegible], hæc verò matrimonio communi [illegible]. [illegible] imperium civile ad perſonam [illegible] p. uxor [illegible] DEO [illegible] Majeſtas Reginis communicari non videtur, [illegible] lædi in ea neqvit. [illegible] qvoniam [illegible] & [illegible], [illegible] majeſtate [illegible], [illegible] & conſuetudine [illegible] Auguſtis [illegible] Majeſtatem [illegible]-verent. [illegible] L. 2. [illegible] Idem de [illegible] [illegible]

[illegible] videantur; tamen id non intuitu univerſi Imperii [illegible] et ſingul[illegible] provinciarum ſuarum Domini [illegible] exaudiendum Dn. Carpzov. Pr. Cr. pt. 1. Qv. XLI. [illegible] Tum verò contemplatione territorii Majeſtate [illegible] ſuperioritatis territorialis vocabulo effe[illegible] idem in ſuis ditionibus, qvantum Imperator in Imperio toto, [illegible]. Sanè ſi [illegible] & effectum in[illegible] ſumma poteſtate parum abhor[illegible]. [illegible] involet, qvaſi-perduellionis [illegible] [illegible]dum. *Magnif. Dn W. Ley[illegible]* [illegible] Deniq; indirectò in eos fertur Nam de [illegible] verbis in A. [illegible] c. 24. cautum legimus, [illegible] Imperii Romani offendi, qvoties gravius qvic[illegible] [illegible]. Ratio adjicitur, qvòd pars [illegible] & regimen commune conſiliorum [illegible] Imperatore adminiſtrent. Qvæ cum & [illegible] Ordines conveniat, cùm & hi de rerum ſumma [illegible] [illegible] nihil qvicqvam [illegible] Reip. ſtatui qveat; meritò idem [illegible] ad hos extendimus. Dn. Carpzov. *c. l. n. 60. ad [illegible]* Tandem [illegible] *L. Qvisqvis* [illegible] *C. ad Leg. Jul. maj.* in [illegible] qui τὸ κύϱιον in Rep. Romanâ tenent, Cri[illegible] extendatur, nullus dubito, qvin in ſanctiores [illegible] Senatores Majeſtatis læſæ Crimen com[illegible] qveat. [illegible] cùm ea lex conderetur, diade[illegible] Imperatorum hæreret; hodie tamen [illegible] verò, Electores & ceteri Status Impe[illegible] Imperatore qvoad qvædam jura Maje[illegible] habent. Accedit, qvod analogâ Majeſtate [illegible] territoriali, qvæ reſpectum ſubditorum [illegible], Imperii noſtri Proceres gaudeant & [illegible] & accommodari [illegible]. Qvod argumento eſt, etiam hanc L. Qvisqvis [illegible] Conſiliariis applicari [illegible] [illegible] qvoq; [illegible]

§. X.

Reſtat, ut videamus, a qvibus Majeſtatis Crimen committi qveat. Et concors Politicorum ſententia eſt, tantum ab eo deſignari, qvi ſummæ poteſtati pacto aut naturâ ſubjectus eſt eiq; obſeqvium debet. Crimen enim hoc perpetuam relationem inter ſuperiorem læſum & ſubditum lædentem implicat, nec ſine ea intelligi poteſt *Bachov. ad Treutl. v. 2. D. 32. th. 1. Anton. Matthæi ad L. J. M. c. 1. n. 7.* Qvamvis enim ab extraneis communiter habitantibus qvoq; Imperans vexatur, tamen qvia læſum non venerantur ſuperiorem, potius ejus æqvales exiſtunt. Qvemadmodum enim tota gens extera & ejus Rector conditionis ejuſdem cum meo Principe & Rep. eſt: ita & membra ejus ſeu ſinguli, ſi libertatem naturalem ſpectes. Cui me non ſubjeci, [illegible] eodem ſtatu naturali, qvo omnes homines æqvales ſunt, vivo. Id verò fatendum habeo, gravius peccare, qvi læſâ Majeſtate inſtructum, qvàm ſi privatum hominem offendiſſet. Totum enim [illegible] cui præeſt, infeſtare videtur. Ad eundem cenſum redigo incolas, qvi domicilium in aliqvam regionem contulerunt. Hi enim eo ipſo, qvo ſedem ſuam ac Larem in ditione qvadam figunt, Imperio ſummo Magiſtratus loci ejusdem ſe ſubjicere intelliguntur. Nam ſicut omnes terræ [illegible] torum, quæ eſſunt, domiciliis [illegible] ratione [illegible] ibi degentium occupatæ & diſtinctæ conſvetudine gentium Imperantis ſunt; ſine qvibus nulla gens pacem & felicitatem tueri, adeoq; [illegible] poteſt, ſi cervices ſubmittere recuſant. Sub conditione ergo [illegible] a [illegible] ta [illegible] ad [illegible] ſi ordini [illegible] Q[illegible] ve[illegible] primarium. [illegible] ex[illegible] n[illegible] conſtituti; imo ad [illegible] fidelitatis [illegible] *A Matthæo* [illegible] §. 7. [illegible] ad [illegible] enim [illegible] ſunt, [illegible] horæ [illegible]

Aliter

Aliter res comparata cum Vaſſallo eſt. Is reus Majeſtatis non [illegible]m ad fidelitatem tantùm obſtrictus Seniori, officio con[illegible] Feudo excidit [illegible] non vero ad ſubjectionem civilem [illegible] qv[illegible]m tenetur. Juramentum fidelitatis ratione rei in [illegible] datæ; Juramentum ſubjectionis ratione perſonæ, qvæ [illegible]cietate civili qvoad voluntatem integram, vitam & bona [illegible] ſubjecta eſt, præſtatur. Etſi qvandam ſuperio[illegible] Feudi Domino in Vaſallum ratione rei demus. *Dn. Struv. S. J. F. c. [illegible] a. 6. n. 9. Anton Matthæi c. l. n. 5. Dn. Carpzov. [illegible] 10 n. 17. & p. 1 c. 1. Def. 14.*

§. XI.

Co[illegible]niſſimum, & qvô excogitari atrocius, ſi ſocietatem [illegible]m reſpiciamus, neqveat, flagitium Majeſtatis [illegible] non alienum hinc, credo, fuerit, de pœna & remedio, qvo malum reſtingvatur & qvousq; excurrere qveat, [illegible] non abſolutè a Jure Naturali præcipi [illegible] unicam imperii efficaciam, qvatenus i[illegible] neceſſitatem communem juvat, ſalutem, & [illegible] Reip. conſervat, eſſe conſtat. Prout ergò delictum [illegible]od magis vel minus obſeqvium debitum & tranqv[illegible]em (ſive ex ſe atrox ſit, ſive ex circumſtantiis [illegible]m traxerit) turbat, eò magis exaſperanda vel mitiganda pro arbitrio Imperantis pœna. Nam qvia [illegible] imperii [illegible]re neqveat: Imperium ſine [illegible] ſine [illegible] & inefficax redderetur; neceſſe eſt malo q[illegible] animos coërcere & in officio continere. Cum [illegible]te agentes regere alio modo non liceat. [illegible] M[illegible] qvi fruſtra Majeſtatem Principi [illegible] niſi [illegible] gladio [illegible]dam [illegible]ret. Atq; [illegible] præceptum de f[illegible]endo no[illegible]o [illegible]. Cujus rationem eam proferunt, qvod [illegible] tranqvillitatem ſocietatis humanæ [illegible]. Inde [illegible] ipſi pro tra[illegible] mentum integrum jus [illegible] Lu[illegible] *Gen.* [illegible] 45. Gerhardus [illegible]. Accedit, qvod [illegible] nec DEus de ſupplicio

Caini diſpenſare potuiſſet, nec Principum delicta inulta rectè dimitterentur. nec multitudinis facinoroſæ (utpote legionis aut provinciæ totius) flagitia per cædes Ducum aut decimi cujusq; ſortitione factâ expiari poſſent. Nam ſub incunabula orbis exemplo opus non erat & maturanda generis humani propagatio. Principes neminem ſuperiorem venerantur cujus poteſtatem eludant, & ejus ſupplicia felicitatem civilem veriùs everterent, qvàm juvarent. Impunitas enim Imperantium ſtabile eſt publicæ rei firmamentum. Juſtam multitudinem ad internecionem delere, crudele eſt; [illegible] qvia Imperium calcatum paucorum [illegible] vindicari poteſt, metu ad omnes, pœnâ ad paucos [illegible] te, [illegible] qvia demum neminem haberet Princeps, cui imperitaret, ac ita con[illegible]s pœnarum finis obſervaretur. Expl[illegible] ergò proportionem doctrinam, quæ negotia moralia involvit magis, [illegible] expedit, utpote ex principiis a[illegible] & qvantitativis deſumtam. Nam ne qvidem figurato ſenſu Arithmetica Proportio ad pœnas accommodari poteſt. Proportio ſecundum Mathematicorum de[illegible] ſimilitudo rationum. Ratio eſt relatio fundata in menſura qvantitatis. Qvia verò hæc habet duos terminos, qvorum prior antecedens, [illegible] conſeqvens vocatur [illegible] proportio [illegible] duas rationes continet: neceſſariò Proportio ex qvatuor terminis [illegible] componitur, Euclides *L. 5. d f. 4.* [illegible]; Oront. Excellent. Dn. Walther in Matheſ. Univerſ. MSS. c 3. Sed in pœnis infligendis duo tantum extrema ſc. delictum & pœna contendit [illegible]r. Deinde pœnæ, qvâ delictum commeruit, [illegible] ſe [illegible] æqvalitatem & ad ſatiandum dolorem exercentur, mali rationem habeat & illicitæ [illegible]. [illegible] a [illegible]ret & crudele eſt malum præteritum [illegible]re. Nulla eſt juſta pœna, [illegible] ob bo[illegible] ut peccans emendetur & alii ſupplicium [illegible] ad frugem redeant. Non debere in [illegible] acqvieſcere, Scho[illegible] *Thomas II 2.* [illegible]. H. Grotius *de J. B & P. L.* [illegible] *c.* [illegible] *4. & 5.* Dn. D. W. Leyſer. not. ad C. T. [illegible]

qvi

[illegible] Thom. Hobbes de Cive c.4.§.11. Tum verò pœna ſu[illegible] [illegible] mortis à Deo protoplaſtis noſtris ob [illegible] vix juſta eſſe aut defendi poſ[illegible] Ariſtotelis normam negotium metiendum fo[illegible] D. W. Leyſer, c. l.

§. XII.

[illegible] hypotheſis confirmat, qvod in Crimine noſtro [illegible] juſtum ſit. Nam procalcato omni [illegible] eundem labefactat maximè. Adeoq; [illegible] honoribus & fortunis omnibus exui, capi[illegible] cruciatibus torqveri poteſt. Hinc in [illegible] violatores Majeſtatis ſeqvitur, qvia [illegible] antur *L. 7. ff. de Publ. Jud.* Et [illegible], luctus familiæ & propin[illegible] hæc eis denegantur *L. 11. ff. De his* [illegible] & tandem memoria eorum [illegible] *L. pen. & ſ. C. h. t.* ædes diruuntur [illegible] Olun. Gothofr. Perez. *ad C. h. n. 19.* [illegible] privantur, qvæ Fiſco cedunt [illegible] *C.* eodem. Bona verò Feudalia, ad [illegible] ad Dominum Feudi [illegible] *III. art. 28. Ordin. Pac. Publ. anno.* [illegible] Der Friedbrecher *Ordin. Camer. part.* [illegible] Dn. Struv. *S. J. F. c. 11. a. 10.* Nec [illegible] innocentes redun[illegible], cadunt. Nam aliud eſt [illegible] d, ad qvod jus [illegible] conſeqventiam venit; qvod [illegible] b conditione ipſi [illegible] qvidem [illegible] pœna non eſt. Qvia [illegible] ad ulti[illegible] H. Grotius *de J. B. & P. L.* [illegible] [illegible] Qvod [illegible] de [illegible] & pro modo

[illegible]

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Criminis [illegible] ipso [illegible] gladio [illegible] generaliter loquuntur, [illegible] co[illegible] [illegible] & capite plecti [illegible] tores prædicet. Quæ capitis [illegible] porrigi [illegible] g. *L. 3. §. 1.* [illegible] *de Pœn.* [illegible] cum *L. 7.* de Re Milit. [illegible] q[illegible] dum, ne [illegible] m meditentur perduellionem liberi, etiam in [illegible] potest animadverti. Adeoq; ab honoribus publicis & successionibus hæreditariis prohiberi, exilio mulctari aut in vincula publica conjici queunt, dum [illegible] publicæ consultum sit. Id quod parentibus quidem in pœnam cedit, dum propter ipsos [illegible] cogantur [illegible] in liberis autem pœnæ vicem non habet. Quippe non [illegible] populo aut Regi jus proprium in [illegible] est, à quibus [illegible] quemlibet arcere [illegible] Rep. non [illegible] Cætera verò jure [illegible], quæ vel jus [illegible] auferre, & prohiberi potest, ne [illegible] ad eos perveniat. [illegible] ter non in pœnam sed [illegible] Inde L. [illegible] §. *1.* & *[illegible]* [illegible] *24. § 1.* & *[illegible]* [illegible] non [illegible] & hereditatibus excluduntur. H. Grotius [illegible] *& 16.* [illegible] ad eum [illegible] §. *15.* & *16.* Dn. Puffendorff. *de J. N. & G.* [illegible] §. 32.

§. XIII.

Cæterum [illegible] ad liberorum vitam paternum supplicium porrigi directè queat, [illegible], & longè [illegible] g[illegible] apud eam [illegible] gentes [illegible] deprehendimus. Justinianus Imp. [illegible] Arcadius & Honorius [illegible] debere [illegible] in quibus paternum hereditarii criminis exemplum [illegible] L. Quisquis [illegible] C. ad Leg. Jul. M. affirmant. [illegible] A. B. [illegible] *24.* [illegible] Tyrannorum [illegible] populi [illegible] vel [illegible] *L. 8.* [illegible]

Idem

[illegible] pueri Thebanæ cum ſuis, Xeno-phonte [illegible] Macedonibus [illegible] eandem legem patriam fuiſſe [illegible] *L. VI. c. 11.* & *L. VIII. c. 6.* memoriæ prodidit. Per [illegible] [illegible] hæc regius piaſſe Ammian. [illegible] teſtatus eſt. [illegible] qvinqvaginta parricidæ [illegible] liberis & conjugibus pœnis dediſſe, Juſtinus [illegible] *L. 6.* [illegible] perſecutorum [illegible] Dan. 6. A Dario Rege In-[illegible] cum filiis [illegible] interfectum Hero-[illegible] a Carthaginenſibus cum [illegible] *l. 21. c. 1.* Eandem [illegible] Mandelſl. ſcri-[illegible] *L. 4.* teſtatur. Cice-[illegible] *Illud videtur eſſe crudele,* [illegible] *antiqvum eſt & omnium* [illegible] Gentium hanc pœnam [illegible] quibus illa conſve-[illegible], [illegible] quod per ſangui-[illegible] temperamentum Patrium filios pro-[illegible], [illegible] ſolent *L. 5. C.* [illegible] Mercerium [illegible] ne liberi amore [illegible] exiſtant & idem facinus ma-[illegible] Et tandem ita faciles parentes [illegible], qui pignora ſua feruntur, à nefando [illegible] integra [illegible] perceliitur & [illegible] *l.* Hobbes in Leviath. *c. 28.* [illegible] hoſtes ſe civitatis [illegible] Bellatores vero eodem jure [illegible] Sed hæc [illegible] rei non [illegible] delicta capitalia parentum [illegible] Et Medici quidam tempera-[illegible] ex alimentis [illegible] tum, unde ſe-[illegible] natum, partim proprio victu non [illegible] derivant [illegible] Nummos probos et [illegible] ex [illegible] mis. Incertus [illegible]

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ad certam cujusq; mortem ſufficere non debet. Alia ea q[illegible] clementior [illegible] carcere vel [illegible] diſcuti & arceri poteſt. Et in univerſum non [illegible] de cauſa externa, ſed de cauſa formali [illegible] ſta ac morali, tanquam medio per[illegible] ad finem. S[illegible] [illegible] bonitatem non [illegible] niſi & media pia fuerint. Hoſtis nemo eſt, niſi qui [illegible] facto ſocietatem naturalem ruperit. Quod [illegible] perduellionem hactenus alienum eſt. [illegible] in bello [illegible] ſi victoriam [illegible] ceri bel[illegible] non puto. [illegible] videtur. [illegible]

§. XIV.

Nos q[illegible] principia in ſce- nam produci queat, te[illegible] T. D. M. [illegible] omn[illegible] tatem [illegible] ad Gen. [illegible] verbi[illegible] *D[illegible] mundus no[illegible] mus. Nam peccatum [illegible] natum omnes nos coram Deo re[illegible]* [illegible] & be[illegible] ſi[illegible] & clades horret. [illegible] at [illegible] h[illegible] li[illegible] ſo eſt, [illegible] p[illegible] [illegible] D[illegible] [illegible] po- pulus

[illegible] Numer. Num. c. 16. ℣. 21. 22. 23. Crebræ mi-[illegible] exaudiuntur [illegible] juſtorum u-[illegible] & [illegible] facinorum. Imprimis verò [illegible] quæ Decalogo [illegible] ad anepotes calami-[illegible] re [illegible] rum Exod 25. Quæ minæ [illegible] non patiuntur. Eſt'q; [illegible] Auguſtini L. 5 contra Julian. c. 12. [illegible] hominis, qui [illegible] Patris [illegible] 30 [illegible] omnium filiorum Saulis, [illegible] Saulis [illegible] factam juſſu [illegible] gravem fa-[illegible] 2 Sam. 21. 5. & 9. Jeſ. 2 Reg. [illegible] populum innocentem [illegible] Deus. Atq; ejus [illegible] peccatores parentes eò [illegible] à antecerunt, at-[illegible] dabant [illegible] Dei [illegible] & [illegible] Cæ-[illegible] R [illegible] §. 8. Deinde [illegible] ; ſed [illegible] [illegible] bant. Ex [illegible] naſcitur. Quanta eſt poteſtas Dei [illegible] hominum, tanta eſt poteſtas Imperantis, [illegible] utilitate & neceſsitate pu-[illegible] Notum enim eſt, Deum conſtituere [illegible] Rom. 13. Neceſ-[illegible] Vicarium, quæ [illegible] Reip. commiſſæ conſervan-[illegible] verò ſecuritas & pax nequit [illegible] ac [illegible] ex-[illegible] Qu[illegible] [illegible] Romanorum [illegible] A C. [illegible] qui [illegible] ad Carrolum M. [illegible] interfecti, qvatuor verò ſibi ipſis mortem con-

 ſci-

ſciverunt in ferabilibus anguſtiis. Anceps & miſera tum Imperatorum conditio erat, ipſorum dignitas omnis & ſalus non in Senatus aut Populi, ſed in Legionum ac militum poteſtate erat. Venale ad libidinem militum diadema regni proſtabat, periculis & injuriis infeſtiſſimum. Semper aliqvid erat, qvod in ipſis, deſiderarent, neq; bonos magis qvam improbos ferre poterant, & ad minimam occaſionem concitata turba jugulabant eos, qvos etiam invitos ad culmen illud honoris pertraxerant, qvemadmodum Hiſtoriarum monumenta loqvuntur. Scotia exhibet qvinqvaginta Reges aut expulſos aut in carcerem detruſos aut necatos. Ut taceam parricidia ac inſidias Regum Angliæ, cum inter domum Lancaſtrenſem & Eboracenſem diſſidia flagrarent, & Regum Galliæ, cum imperium à Domo Valeſia ad Borboniam transmittendum eſſet. Eam neceſſitatem vero determinare, ſolius imperantis eſt. Sic fuiſſe autem credibile qvia apud plurimas Gentes eam conſvetudinem puniendi introductam fuiſſe §. 13. oſtendimus. Conſulatur Magnif. Dn. W. Leyſer *ad A. B. c. 24.* à qvo hæc omnia mutuamur.

§. XV.

Secundo ex paternitatis fundamento rem probare aggredimur. Ubi eadem [illegible] poteſtas a DEO eſt. Sed [illegible] finem ac fundamentum [illegible] accipiunt [illegible] ac qvod [illegible] Non [illegible] male [illegible] reddat [illegible] [illegible] in [illegible] poſſent [illegible] exigit. Unde [illegible] JUS V. & N. [illegible] neqveat, Imperante [illegible] ſacramentum militare [illegible] fortitudinem bellicam milites adſtringit. Virtutem enim egregiam eſſe, omnes

[illegible] à Republ. etiam capitali ſup-
plicio compelli poteſt. Sed verò ſi à Duce ſuo juſſus pericu-
loſiſſimum [illegible] unde videt ſalvum ſe non rediturum,
[illegible]re, Regem periclitantem in acie ſui interitu præſen-
[illegible] tenetur. Atque ubi tempeſtas belli ingraveſcit,
[illegible]rem hab[illegible] debet. Unde patet, ho-
[illegible] Regi [illegible]em & vitam pro ſalute aliorum ho-
minum [illegible] & debere profundere. Puffendorff. *Jur. Uni-
verſ. L. 2. O.* [illegible] *10.* Idem etiam Salvator noſter ex lege chari-
tatis [illegible] Quam eò extendit, ut capita qvoq; pro pro-
ximo [illegible] *Joh. 15.* §. *13.* & Apoſtolus *1. Joh. 3.*
§. *16.* [illegible] vero ſubditos in tantum, ſe obligare, ut, qvo-
ties neceſſitas [illegible], morte ſui ſalutem Reipublicæ & con-
[illegible] ſocietati civilis & finis qvem in-
[illegible] eſt. Tum verò non leve robur cauſæ
[illegible] qvod *JUSTO* bello, ſi alia ratione jus ſuum &
[illegible] nequeat, etiam innocentes ſub-
ditos [illegible] vita, bonis, libertate ob bonum commu-
ne privare qveat. Quidni ergò & Rex ſi ſalutem publicam
[illegible] ſubditos innoxios interfecerit. Paul.
Laymann[illegible] Theol. moral. *L. 2. Tr. 3. c. 12. n. 1. 12.* & ab eo
[illegible] Viſitatis Magnif. Dn. W. Leyſer
c. l. [illegible] Ueterum, communisq; uſus eti-
[illegible] à naturali ratione non abire a-
[illegible] videtur. Confer §. Supra. Cautela tamen
hîc [illegible] fuerim, ut talem
[illegible] multò leges civiles Hebræorum
[illegible] ſimi & ab ipſo DEO la-
[illegible] Sed qvæ [illegible] probavimus, non [illegible]
[illegible] efficiunt.

§. XVI.

[illegible] H. Grotius *c. l.* §. *13.* Arg.
[illegible] Monumenta depre-
[illegible] *Deut. c. 24.* §. *16.* [illegible]
[illegible] ad rationem [illegible]

provocant, qvod omnis pœna in merito & culpa actione libera voluntate peccantis commissa fundetur. Id vero perſonale eſſe & ab impolluta ſobole longe abhorrere, Grot. l. d. §. 13. Qvibus licèt [illegible] enturiant Leges Romanas, utpote *L. 26. ff. de Pœnis, L. 2. C. eodem.* At hæ leges divinæ forenſes ſunt & ad Remp. Judaicam alligatæ, quæ Chriſtianos hodie non ſtringunt Magnif. Dn. Wilh. Leyſer *c. l.* Alberic Gentilis *D. 7. ad L. J. M.* Locus Ezechielis 18. de pœnis æternis, quas non protrahi ad ſobolem, ſupra diximus, intepretandus. Argumento eſt, qvod pœnitentiam [illegible] - qvarum qvædam apud Judæos capitali pœna coërcebantur [illegible] & §. 6. [illegible] eodem *c. 18.* Ezechielis [illegible], tollere pœnam aſſeverat Propheta. Qvod tamen in temporalibus pœnis non invenit locum. Audiamus Augustinum *Lib. 6.* contra Julianum: *Non intelligis* (loqvitur vero de [illegible] Ezechielis) *hanc eſſe promiſſionem Teſtamenti Novi, ſpiritualis hæreditatis ad alterum ſeculum pertinentis? Id enim [illegible] Redemptoris, ut parentum chirographum deleat, & [illegible] prof. rationem reddat.* Leges Romanæ de [illegible] pœnis & mitioribus delictis loqvuntur & exceptio in atrociſſimo hoc facinore per *d. L. 5. C. h. t.* à regulâ facienda. Naturalis ratio ideò hinc exulat, qvia liberis [illegible] non tanqvam pœna hoc malum accidit; ſed tanqvam *caſus fortuitus* ob [illegible] neceſſitatem Reip. tolerandus, etſi in parentibus pœnæ maximè exaſperatæ naturam ſervet. *Pœna enim perpetuam qvaſi ad perſonam delinqventem importat.* Materialiter igitur tantùm cum pœna coincidit. Ceterum hanc in perduellium liberos per *d. L. 5. & C. 24. A. B.* extenſam pœnam generali omnium Chriſtianarum gentium conſvetudine abolitam eſſe, multi DD. ſtatuunt. In qvam rem A. Mathæi *c. l. n. 11.* [illegible] teſtes JCtos Italos, Hiſpanos, Belgas, Germanos & Gallos; plures addit Grœnewegen ad [illegible] L. Qvisqvis; [illegible] meretur Sixtinus *L. 2. de Regal. c. 2. n. 93. & 94.* Mylerus ad Rumel *part. 3. D. 4. th. 9. inf.* teſtatur, hanc eſſe communem DD. opinionem. Idem de confiſcatione bonorum pa-

terno-

[illegible] Legiſlatoris [illegible] m M[illegible] Mollin. de [illegible] *L. 2 [illegible] ordin crimin. [illegible] 2 8.* re[illegible] ex crimine paterno non recidere in ſo[illegible] *C. de pœn.* autor eſt.

§ XVII.

[illegible] ver[illegible] gradus tamen in hactenus enarratis pœnis [illegible] ſervantur. Gravius in perduelles, qvi rectâ Ma[illegible] invaſerit, qvam in eos, qvi ex longinqvo feriunt & [illegible] perpetrant, animadvertendum, qvemadmodum *L. [illegible] 4[illegible]. ff.* de pœnis eximio argumento inſerviunt, ſi [illegible] *L. 5 C. [illegible]* [illegible] & mutuo interpretatione explices. Mitius habendi, qvi per latus adoriuntur [illegible] ſunt, qvam qvi moliti ſunt & ad conatum [illegible]. [illegible] ordinaria perduellionis in con[illegible] locum non invenit, ſed ad [illegible] dum. Rectius enim *L. 5. §. 6. [illegible]* cum Ant. Matthæi *c. l. §. 3* Brunne[illegible] qvi participes [illegible] ſunt, exa[illegible] [illegible] præſenti eâdem ſeveritate, qvâ ipſum [illegible] *L. 5 pr. L. 6. C. h.* Atrociſſimum [illegible] perduellionis crimen eſt & pœnæ exorbi[illegible] a A. Matthæi ad *T. Pœn. c. 4. n. 13.* [illegible] *ad T. h. A. n. 11.* Imò ſi ſalus [illegible] ſuprema Lex eſſe debet, ita [illegible] facere. Non enim [illegible] oportet, ubi urgens neceſſitas di[illegible] [illegible] hic ſane melior [illegible] Extant Regum exempla, [illegible] clementia [illegible] alius vero ex [illegible] *[illegible] Inſtar. 16.* [illegible] inde populus in[illegible] [illegible] & Proceres ſceptra affectant. [illegible] Rex [illegible] ſ[illegible] & primum qvidem [illegible] ſit, [illegible] qvo [illegible] compeſcere [illegible]. [illegible] *[illegible] I[illegible]* [illegible] ita Albano Duci qvi [illegible] Philippi II. auſpi-

aſpero rem [illegible], [illegible] Neapolitanos rebellantes Augusto Imperatori [illegible]. Dio Caſſ. *L. 48. Tac. Ann. 14.* [illegible] ceſſi [illegible]. Contra ea, ſi [illegible] Principi vires [illegible], oſtentandas magis, quam ſtringendus [illegible] gladius. Sed verò ambitioſa & [illegible] ſunt, quæ [illegible] jactant, imperium [illegible], & verendum, ne ſerpat m[illegible]s. Fere[illegible] ergò ex improviſo tollantur [illegible], condo [illegible] ſociorum facinoris [illegible] ad deſperationem adigantur. Iſta virtutem invidiam & acerrimam [illegible] de miſcet an[illegible] quæ in ſe ipſam collecta [illegible] tumet [illegible]. Temperatus [illegible]mor exhibet animos [illegible] in [illegible] jacentes excitat & omnia experiri ſuadet. Senec. *de Clem. 12.* [illegible] omnes intra [illegible] repagula continuerit, pœna paucos tangat. Deinde probe ingenia eorum, qui adverſus Remp. & Imperium [illegible] conſpirant, ſcrutanda, & [illegible] poſſibiliter [illegible] videantur. Quales & [illegible] in cel[illegible]ulan[illegible], [illegible] gratiâ gentis [illegible], in [illegible] venia [illegible]. Nam ibi pertinax [illegible] non hæret: [illegible] eadem, [illegible] multitudo [illegible], Quod ſi [illegible] ad [illegible] tanquas putant [illegible] perſeverent, [illegible] ſint, ſi [illegible] delicti, [illegible] Nemeſis [illegible] ad *Tac. Ann. [illegible]. & XIV. Ann. [illegible] 19.* [illegible] Meleager apud [illegible] in A[illegible] pathiè [illegible], non [illegible]. Nec [illegible] per prudentiam Alberti Ducis [illegible] & H[illegible] de [illegible]. *Thuan. L. [illegible].* Nec Demetrius Moſcorum Dux [illegible] Z[illegible], Adam Olear. *in I. P. [illegible].*

§. XVIII.

Non [illegible], arbitror, [illegible] nobis [illegible] admodum [illegible] & [illegible] M[illegible] hoc ex [illegible] Romana [illegible]. Ælius Sejanus [illegible] in [illegible] Romani [illegible] a [illegible] ingentem [illegible] pervenit. Juvenalis [illegible] Cæſare, D. Augusti [illegible] Tac. Ann. IV. c. [illegible] Mox apud Tiberium [illegible] R. [illegible] gerit, induſtria & vivacitate [illegible]

gere

[illegible] ; ut co[illegible]s prætoriis cum pa[illegible] [illegible] o , [illegible] hi Imperator foris [illegible] re[illegible] *Tac. 1. Ann. c. 4.* Genium [illegible] [illegible]avit [illegible] expreſſit , ut idem [illegible] Q[illegible] ipſi conciliavit ad[illegible] [illegible] m[illegible]s arbitris , ſoli ſe[illegible] [illegible] per q[illegible]rem [illegible],quæ [illegible] *Tac.* [illegible] veſtigio , ut [illegible] certatim ve[illegible] [illegible] re[illegible]dere [illegible] ducebant. [illegible] negotium , quod ad [illegible] de quo [illegible] Senatus conſulebantur. [illegible] componere [illegible] Ambitionem [illegible] & [illegible] cuncta ejus opera, [illegible] *Tac. Ann. IV. c.* [illegible] *& 7.* Pro[illegible] [illegible] prop[illegible]os [illegible] [illegible]inem erexit , ho[illegible] [illegible] *Tac. Ann. IV. c. 2.* [illegible] & [illegible] qui [illegible] plebem [illegible] parte[illegible] , etiam militem [illegible] [illegible] & præſidiarium militem [illegible] ca[illegible] in m[illegible]nita coë[illegible] [illegible]am, qu[illegible] terror omnibus [illegible] & Tribu[illegible] [illegible] [illegible]ionib[illegible] ſibi devinc[illegible] *Tac.* [illegible] & [illegible] experiebatur [illegible] non modo in ſermon[illegible], [illegible] celebraret , [illegible] per Thea[illegible] & [illegible] principia [illegible] fuerat *Tac.* [illegible]

§. XIX.

[illegible] Reip. machinam pro [illegible] ma[illegible] [illegible] [illegible]

[illegible]

Cæſaris familiæq; regnatricis, magna audaciæ [illegible] ſi-
lium Imperatorum graſſari parabat. Sed quod [illegible] ſtisſima prole abundaret, & ei tot ſimul tollere [illegible] lus intervalla ſcelerum poſcebat. Primas partes in funeſtiſſimo ſpectaculo egit Germanicus, Druſi Neronis filius. Qui ſcelere Piſonis & Plancinæ, quos [illegible] miſeri percuſſores ſubornaverat, interiit unum eam maxime re[illegible] dabat. *Sveton. in Calig. §. 2 3. Tac. Ann. II. c. 71.* De[illegible] Libo Druſus, Eqves Romanus, genere ad Auguſtum, ut Germanicus, referens, capitis accuſatus eſt. Sed [illegible] ſupplicium antevertit ſibi [illegible] manus intulit. *Tac. Ann. II. c. 27. ad 32.* Tum vero ad Druſum, Tiberii filium, parricidalem manum [illegible] Liviam, [illegible] dationis venuſtatis [illegible], adulterio pellexit, & ad ſpem conjugii, conſortium Regni, necem mariti impulit. *Tac. Ann. IV. c. 3. II.* Tiberii alias [illegible] adverſus Agrippinam, Neronem ac Druſum, viduam & filios Germanici, odiis accendit [illegible] miſeranda [illegible] deportaret; ac tandem [illegible] ſubmoveret. *Sveton. in Tib. [illegible] Tacit. Ann. IV. [illegible] 60. & Ann. V. c. [illegible]* [illegible] Equitum, Senatorum [illegible] expellere, [illegible] ſtudere [illegible] bellica[illegible] venerit [illegible] Tacitus, Dio & Svetonius paſſim memorant.

§. XX.

Via ad Thronum late ſtrata [illegible] pul-
cherrim[illegible] Livi[illegible], [illegible] Tiberi[illegible] Quem [illegible] *Ann. IV. c. 9. 4. 4.* [illegible] Tiberi[illegible] [illegible]

[illegible] Capree Tiberium, ſe [illegible] palàm Imperatorem
Romanum [illegible]
[illegible] Dio Caſſ. lib. 58. [illegible]
[illegible] longeq;
[illegible] Tiberius,
[illegible] & proceſſus colligens. Poſt-
[illegible] & Tribunitiæ pote-
ſtatis [illegible] Nævium Sertorium
Macronem [illegible] ad Senatum Romanum miſit, quibus
[illegible] publica [illegible]
[illegible] quid [illegible] & [illegible]
[illegible] Supplicio
[illegible] Apicatæ edicto, re-
[illegible]
[illegible] præce-
[illegible] Eodem
[illegible] eſt. Dio
[illegible] eſſe.
[illegible]
[illegible] Tac.
[illegible]

§. XII.

[illegible] Pro-
[illegible]

[illegible]

[illegible] Non [illegible] con [illegible] ipſius [illegible] Reſpublica [illegible] Quod [illegible] Numquam Monarchiam [illegible] populum [illegible] Tiberii [illegible] remedio [illegible] Tiberium [illegible] Capreas [illegible] & [illegible] populi [illegible] ſpoliare [illegible] Caeſ. de R. [illegible] Qui Se-
janum [illegible] po-
pulus [illegible] co-
gitabat.

SOLI DEO GLORIA!